

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number Env-A 2600

1. Agency Name & Address:

**Dept. of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095**

2. RSA Authority: **RSA 125-C:4, I(a)**

3. Federal Authority: **N/A**

4. Type of Action:

Adoption **X**

Amendment \_\_\_\_\_

Repeal **X**

Readoption \_\_\_\_\_

Readoption w/amendment **X**

5. Short Title: **PULP AND PAPER INDUSTRY: TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT MILLS**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Fraser NH LLC. (Fraser) is the only kraft mill in NH subject to Env-A 2600. Therefore, DES proposes to amend the existing rules to clarify the applicable requirements for Fraser's existing processes. First, the phrase "incinerator or other device" is replaced with "boiler or thermal oxidizer" in Env-A 2603.01(a)(2), 2604.02(a), and 2605.03(f)(2). Second, all requirements relating to the recovery furnace and smelt dissolving tank have been deleted. Those processes are subject to 40 CFR 60, Subpart BB, which is incorporated by reference in Env-A 503.01(t). Third, the total reduced sulfur (TRS) concentration span value in Env-A 2604.01(c) was removed so Fraser can set the proper span value that better identifies and quantifies periods of excess emissions of the standards for the lime kiln process. Finally, the requirement in Env-A 2604.02(c) is deleted because this requirement was removed from Env-A 800 and is no longer applicable.

6. (b) Brief description of the groups affected:

The proposed rule affects any owner or operator of a stationary source or device that (1) is a source of particulate matter emissions discharged through a stack or exhaust and ventilation system and is not specifically regulated under other division rules and (2) is a source of visible emissions and is not specifically regulated under other division rules.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State Statute the Rule is Intended to Implement
Env-A 2601	RSA 125-C:4, I(a)
Env-A 2602	RSA 125-C:4, I(a); 40 CFR §§60.280 and 60.281
Env-A 2603	RSA 125-C:4, I(a); 40 CFR §§60.283
Env-A 2604 and 2605	RSA 125-C:4, I(a); 40 CFR §§60.284
Env-A 2606	RSA 125-C:4, I(a); 40 CFR §§60.285
Env-A 2607 (repealed)	RSA 125-C:4, I(a)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sheri Eldridge-Banack** Title: **ARD SSMB Planning Specialist**  
Address: **Dept. of Environmental Services** Phone #: **271-0880**  
**P.O. Box 95** Fax#: **271-7053**  
**Concord, NH 03302-0095** E-mail: **sbanack@des.state.nh.us**  
  
The proposed rule can be viewed and downloaded at TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)  
<http://www.des.state.nh.us/ard/prpsdrul.htm>.

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, September 27, 2004 at 4:00 pm**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 15, 2004, 10:30 am**  
**NH Dept. of Environmental Services**  
Place: **Room 114**  
**29 Hazen Drive**  
**Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:125 , dated July 2, 2004

Fiscal Impact Statement for Department of Environmental Services rules governing Pulp and Paper  
Industry: Total Reduced Sulfur Emissions from Kraft Mills. [Env-A 2600]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):  
There are no costs attributable to either the proposed or existing rules.
2. Cite the Federal mandate. Identify the impact on state funds:  
There is no Federal mandate for these rules. However, these rules incorporate part of the State Implementation Plan which has been approved by the US Environmental Protection Agency pursuant to the Federal Clean Air Act, 42 U.S.C. Section 7410. No impact on state funds.
3. Cost and benefits of the proposed rule(s):  
There are no costs associated with the proposed rule because, even if the existing rule were allowed to expire, affected sources would still be required to comply with the federal rule that incorporates it at 40 CFR 52.1520.  
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  - A. To State general or State special funds:  
None.
  - B. To State citizens and political subdivisions:  
None.
  - C. To Independently owned businesses:  
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no political subdivisions subject to the proposed rule. Therefore, the proposed amendments do not violate Part I, Article 28-A of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate additional local expenditures.